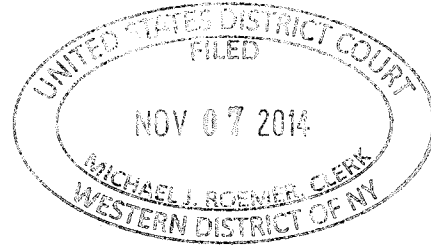


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

Plaintiff,

v.

DECISION AND ORDER

14-CR-6123 EAW

BRANDON CORREA,

Defendant.

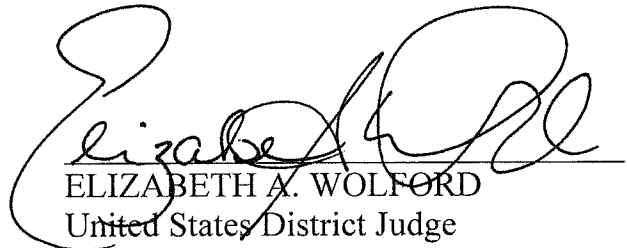
This Court referred all pretrial matters in the case to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. §§ 636(b)(1)(A)-(B). (Dkt. 16). On October 23, 2014, Magistrate Judge Payson issued a thorough Report and Recommendation, recommending that the Court determine that Defendant is not competent to stand trial, and that he should be hospitalized for further treatment. (Dkt. 29).

Pursuant to Fed. R. Crim. P. 59(b)(2) and 28 U.S.C. § 636(b)(1)(C), the parties had 14 days after being served a copy of the Report and Recommendation to file objections. No objections were filed.

The Court has reviewed the Report and Recommendation as well as the filings previously made in the case, and finds no reason to reject or modify the Report and Recommendation of Magistrate Judge Payson. Therefore, the Court accepts and adopts the Report and Recommendation. The Court accepts the findings of the psychiatric report dated October 9, 2014 (Dkt. 28), and finds that Defendant is not presently

competent to stand trial. Defendant is ordered to be hospitalized for further treatment for a period not to exceed four months pursuant to 18 U.S.C. § 4241(d)(1), to determine whether there is a substantial probability that he will be able to attain the capacity to stand trial.

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: November 7, 2014
Rochester, New York